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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,311

03/04/2002

Teruo Masaki

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5487

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04/28/2006

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EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,311

Applicant(s)

MASAKI ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2006 has been entered.
2. Claims 1-2, 4, and 7-14 have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4, and 7-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4, and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Schneck et al. (herein after Schneck) US PG PUBS 2001/0021926 A1.

Art Unit: 2136

Regarding claims 1, 8, 9, and 13-14 Schneck discloses a copyright licensing process promoting apparatus/method/program/medium for promoting a copyright licensing process for literary work data desired to be transmitted from a first terminal unit of a first user to a second terminal unit of a second user via a communication network (0042-0070), comprising:

detecting means for accessing the first terminal unit of the first user by way of the communication network and for detecting at the first terminal unit a file of the literary work data to be transmitted from the first terminal unit to the communication network, said detecting means being operable to detect the file at the first terminal unit before the file is transmitted to the communication network (0043, 0134, 0046, 0251-0254, 0161-0168, 0295, and claim 4; *detecting access rights before allowing secondary distribution of data/redistribution*);

content determining means for determining whether a content of the file to be transmitted to the communication network and detected by said detecting means is valid (claims 2, 67, 45-46, and 0178; *determining access right rules is data transmission requested valid or not? ...*)

And

file processing means for performing a predetermined process for the file before the file is transmitted to the communication network when a result of said content determining means is not valid, wherein the predetermined process for the file is a destruction of the file (claims 56, 43, par. 0139, 0184, 0133, 0055; *destroying/deleting data when illegal access and/or illegal transmission of content to second person is detected*).

As per claim 2, Schneck further discloses the copyright licensing process promoting apparatus, further comprising:

searching means for searching for a location on a predetermined list, referenced via the communication network, at which the file of the literary work data is stored (fig. 13),

wherein said detecting means detects the file being transmitted, the file to be stored at the location searched by said searching means (0251-0254, and 0230-0248).

As per claim 4, Schneck further discloses the copyright licensing process promoting apparatus, further comprising:

literary work data determining means for determining whether the content of the file to be transmitted is literary work data (0089, and 0011); and

copyright licensing process, determining means for determining whether a copyright licensing process has been performed for the literary work data (abstract),

wherein said content determining means determines that the content of the file is valid corresponding to a result of said literary work data determining means and result of said copyright licensing process determining means, and said literary work data determining means represents that the content of the file is literary work data and said copyright licensing process determining means represents that the copyright licensing process has not been performed for the file (0097-0099).

As per claim 7, Schneck further teaches the copyright licensing process promoting apparatus, further comprising:

informing means for informing the first user of the terminal unit that the content of the file is not valid when a result of said content determining means represents that the content of the file is not valid (fig. 11 element S1126, and 0169),

wherein said file processing means performs the predetermined process when the first terminal unit tries to transmit the file although said informing means has informed the first user that the content of the file is not valid (fig. 11 element S1126, 0251-0254, and 0169).

As per claim 10, both Kim and Benson teach all the subject matter as described above. In addition, Kim teaches the copyright licensing process promoting program,

wherein the copyright licensing process promoting program is supplied from the communication network to the first terminal unit (fig. 5).

As per claim 11, Schneck further teaches the copyright licensing process promoting program,

wherein the copyright licensing process promoting program is built in the first terminal unit (fig. 1).

As per claim 12, Schneck further teaches the copyright licensing process promoting program,

wherein the copyright licensing process promoting program is recorded on a record medium along with literary work data and supplied to the first terminal unit (0126).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.S.


April 25, 2006

CHRISTOPHER REVAH
PRIMARY EXAMINER

